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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/659,172	09/11/2000	Ted A. Lilley	3835.00002	6251

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EXAMINER

DUNWOODY, AARON M

ART UNIT	PAPER NUMBER
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3629

DATE MAILED: 12/05/2001

6

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/659,172

Applicant(s)

LILLEY ET AL.

Examiner

Aaron M Dunwoody

Art Unit

3629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-9 and 11-15 is/are rejected.
- 7) ☒ Claim(s) 4 and 10 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>2</u> . | 6) <input type="checkbox"/> Other: |

DETAILED ACTION***Priority***

If applicant desires priority under 35 U.S.C. 119(e) based upon a previously filed copending application, specific reference to the earlier filed application must be made in the instant application. This should appear as the first sentence of the specification following the title, preferably as a separate paragraph. The status of nonprovisional parent application(s) (whether patented or abandoned) should also be included. If a parent application has become a patent, the expression "now Patent No. _____" should follow the filing date of the parent application. If a parent application has become abandoned, the expression "now abandoned" should follow the filing date of the parent application.

If the application is a utility or plant application filed on or after November 29, 2000, any claim for priority must be made during the pendency of the application and within the later of four months from the actual filing date of the application or sixteen months from the filing date of the prior application. See 37 CFR 1.78(a)(2) and (a)(5). This time period is not extendable and a failure to submit the reference required by 35 U.S.C. 119(e) and/or 120, where applicable, within this time period is considered a waiver of any benefit of such prior application(s) under 35 U.S.C. 119(e), 120, 121 and 365(c). A priority claim filed after the required time period may be accepted if it is accompanied by a grantable petition to accept an unintentionally delayed claim for priority under 35 U.S.C. 119(e), 120, 121 and 365(c). The petition must be accompanied by (1) a surcharge under 37 CFR 1.17(t), and (2) a statement that the entire delay

Art Unit: 3629

between the date the claim was due under 37 CFR 1.78(a)(2) or (a)(5) and the date the claim was filed was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional. The petition should be directed to the Office of Petitions, Box DAC, Assistant Commissioner for Patents, Washington, DC 20231.

Drawings

Figures 1 and 2 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

The drawings are objected to because the duplicate reference number 60 should be deleted from figure 5. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 43. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Objections

Claims 2-6 and 8-15 are objected to because of the following informalities:

Claim 2, line 1, change from "claim1" to "claim 1,".

Claim 3, line 1, change from "claim 2" to "claim 2,".

Claim 4, line 1, change from "claim 3" to "claim 3,".

Claim 5, line 1, change from "claim 4" to "claim 4,".

Claim 6, line 1, change from "claim 5" to "claim 5,".

Claim 8, line 1, change from "claim7" to "claim 7,".

Claim 9, line 1, change from "claim 8" to "claim 8,".

Claim 10, line 1, change from "claim 9" to "claim 9,".

Claim 11, line 1, change from "claim 10" to "claim 10,".

Claim 12, line 1, change from "claim 11" to "claim 11,".

Claim 13, line 1, change from "claim 12" to "claim 12,".

Claim 14, line 1, change from "claim 12" to "claim 12,".

Claim 15, line 1, change from "claim 14" to "claim 14,".

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 5, 6 and 11-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Art Unit: 3629

Claims 5 and 11, line 1, recite "an end"; however, it is not clear to the examiner whether the tubular body portion's first or second end is being referenced.

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 7 and 8 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by the applicant's Figure 2, which is considered prior art (see specification, page 3, line 29).

In regards to claim 1, the applicant's figure 2 discloses a hydrant nozzle for connecting a fire hose to a fire hydrant, the hydrant nozzle comprising a tubular body portion extending longitudinally between a first end and a second end, the body portion having a generally cylindrical outer surface and a generally cylindrical inner surface defining a fluid passageway between the first and second ends, a cylindrical neck portion extending from the second end of the body portion to a front face and having an outer peripheral rim and an inner rim defining a center opening in fluid communication with the fluid passageway of the body portion; a pair of spaced apart locking lugs projecting outwardly from the outer surface and positioned between the first and second ends of the body portion for removably securing the hydrant nozzle to the fire hydrant; and a pair of spaced apart arcuate shaped locking grooves recessed in the front face of the neck portion for removably securing the hydrant nozzle to the fire hose.

In regards to claim 2, the applicant's figure 2 discloses each of the locking grooves being defined by a bottom surface recessed from the front face of the neck

Art Unit: 3629

portion and extending between spaced apart first and second end walls defining the grooves.

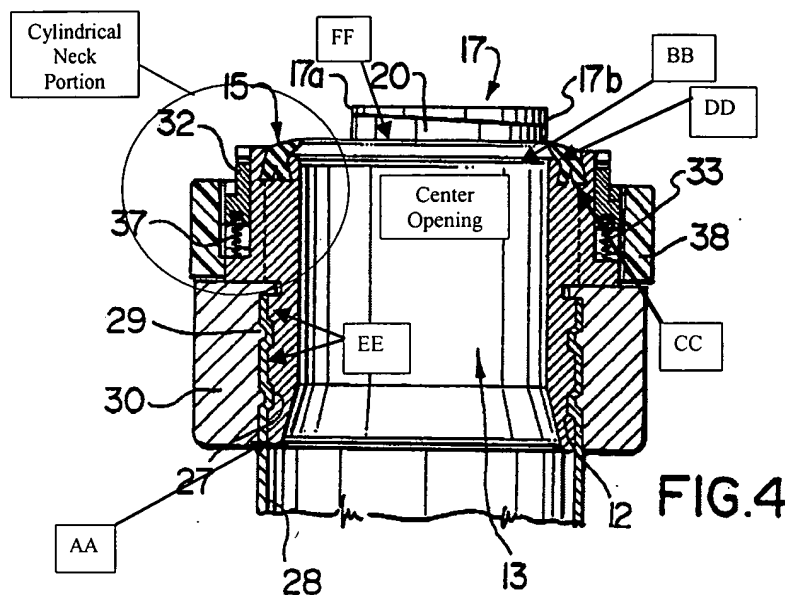
In regards to claim 7, the applicant's figure 2 discloses a hydrant nozzle for connecting a fire hose to a fire hydrant, the hydrant nozzle comprising a tubular body portion extending along a longitudinal axis between a first end and a second end, the body portion having a generally cylindrical outer surface and a generally cylindrical inner surface defining a fluid passageway between the first and second ends, the body portion adapted to be received and removably secured to the fire hydrant, a cylindrical neck portion extending radially from the body portion between the second end to a front face and having an outer peripheral rim and an inner rim defining a center opening in fluid communication with the fluid passageway of the body portion, and a pair of spaced apart arcuate shaped locking grooves recessed in the front face of the neck portion for removably securing the hydrant nozzle to the fire hose.

In regards to claim 8, the applicant's figure 2 discloses each of the locking grooves being defined by a bottom surface recessed from the front face of the neck portion and extending between spaced apart first and second end walls defining the grooves.

Art Unit: 3629

Claims 1-3 and 7-9 are rejected under 35 U.S.C. 102(b) as being anticipated by US patent 5333915, Sparling et al.

In regards to claim 1, in figure 4 below,



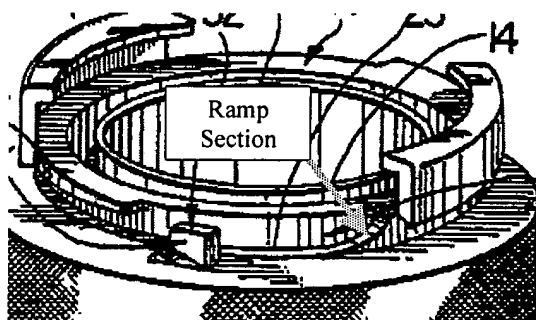
Sparling et al discloses a

hydrant nozzle comprising a tubular body portion (12) extending longitudinally between a first end (AA) and a second end (BB), the body portion having a generally cylindrical outer surface and a generally cylindrical inner surface defining a fluid passageway (13) between the first and second ends, a cylindrical neck portion extending from the second end of the body portion to a front face (16) and having an outer peripheral rim (CC) and an inner rim (DD) defining a center opening in fluid communication with the fluid passageway of the body portion; a pair of spaced apart locking lugs (EE) projecting outwardly from the outer surface and positioned between the first and second ends of the body portion; and a pair of spaced apart arcuate shaped locking grooves (20) recessed in the front face of the neck portion.

Art Unit: 3629

In regards to claim 2, Sparling et al discloses each of the locking grooves being defined by a bottom surface (FF) recessed from the front face of the neck portion and extending between spaced apart first and second end walls defining the grooves.

In regards to claim 3, in figure 3 below, Sparling et al discloses each of the locking grooves being further defined by a ramped section (GG) adjacent the second end wall and inclining from the bottom surface towards the front face.



In regards to claim 7, Sparling et al discloses a hydrant nozzle comprising a tubular body portion extending along a longitudinal axis between a first end and a second end, the body portion having a generally cylindrical outer surface and a generally cylindrical inner surface defining a fluid passageway between the first and second ends, the body portion adapted to be received and removably secured to the fire hydrant, a cylindrical neck portion extending radially from the body portion between the second end to a front face and having an outer peripheral rim and an inner rim defining a center opening in fluid communication with the fluid passageway of the body portion, and a pair of spaced apart arcuate shaped locking grooves recessed in the front face of the neck portion.

Art Unit: 3629

In regards to claim 8, Sparling et al discloses each of the locking grooves being defined by a bottom surface recessed from the front face of the neck portion and extending between spaced apart first and second end walls defining the grooves.

In regards to claim 9, Sparling et al discloses each of the locking grooves being further defined by a ramped section adjacent the second end wall and inclining from the bottom surface towards the front face.

Allowable Subject Matter

Claims 4 and 10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 5, 6 and 11-15 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: The prior art of record does not disclose a hydrant nozzle wherein each of the locking grooves are defined by upstanding, parallel and curved inner and outer walls directed upwardly from the bottom surface to the front face, and they extend between the first and second end walls.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron M Dunwoody whose telephone number is (703) 306-3436. The examiner can normally be reached on Monday - Friday between 7:30 am to 4:00 pm.

Art Unit: 3629

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne H Browne can be reached on (703) 308-1159. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

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December 1, 2001



Lynne H. Browne
Supervisory Patent Examiner
Technology Center 3620